

EXHIBIT W

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

_____)	
THE ESTATE OF YARON UNGAR, et al.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 00-105L
)	
THE PALESTINIAN AUTHORITY, et al.,)	
)	
Defendants.)	
_____)	

**ANSWER OF DEFENDANTS THE PALESTINIAN AUTHORITY AND THE
PALESTINE LIBERATION ORGANIZATION TO AMENDED COMPLAINT**

Defendants The Palestinian Authority ("PA") and The Palestine Liberation Organization ("PLO") (collectively, "Defendants"), by counsel, and pursuant to FED. R. CIV. P. 8 and 12(a), submit the following Answer to the Plaintiffs' Amended Complaint (the "Complaint") in the above-captioned action and state as follows:

FIRST AFFIRMATIVE DEFENSE

With respect to the individual allegations in the Complaint, Defendants respond as follows:

Introduction

1. Paragraph 1 of the Complaint contains legal conclusions to which no response is required. To the extent a response is required, Defendants state, on information and belief, that, on or about June 9, 1996, a shooting occurred near Beit Shemesh, Israel; state, on information and belief, that Yaron Ungar and Efrat Ungar died as a result of the shooting; deny that Defendants "caused" any alleged damages to Plaintiffs or committed any "acts of international

terrorism” against Plaintiffs; and deny any remaining factual allegations contained in paragraph 1 of the Complaint.

Jurisdiction and Venue

2. Paragraph 2 of the Complaint contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 2 of the Complaint.

3. Paragraph 3 contains legal conclusions to which no response is required. To the extent a response is required, Defendants lack sufficient knowledge or information to admit or deny any factual allegations contained in paragraph 3 of the Complaint and, therefore, deny the same.

The Parties

4. Paragraph 4 contains legal conclusions to which no response is required. To the extent a response is required, Defendants lack sufficient knowledge or information to admit or deny any factual allegations contained in paragraph 4 of the Complaint and, therefore, deny the same.

5. Paragraph 5 of the Complaint contains legal conclusions to which no response is required, including, without limitation, the phrase “at all times relevant hereto.” To the extent a response is required, Defendants lack sufficient knowledge or information to admit or deny the factual allegations contained in paragraph 5 of the Complaint and, therefore, deny the same.

6. Paragraph 6 of the Complaint contains legal conclusions to which no response is required, including, without limitation, the phrase “at all times relevant hereto.” To the extent a response is required, Defendants lack sufficient knowledge or information to admit or deny the factual allegations contained in paragraph 6 of the Complaint and, therefore, deny the same.

7. Paragraph 7 of the Complaint contains legal conclusions to which no response is required, including, without limitation, the phrase “at all times relevant hereto.” To the extent a response is required, Defendants lack sufficient knowledge or information to admit or deny the factual allegations contained in paragraph 7 of the Complaint and, therefore, deny the same.

8. Paragraph 8 of the Complaint contains legal conclusions to which no response is required, including, without limitation, the phrase “at all times relevant hereto.” To the extent a response is required, Defendants lack sufficient knowledge or information to admit or deny the factual allegations contained in paragraph 8 of the Complaint and, therefore, deny the same.

9. Paragraph 9 of the Complaint contains legal conclusions to which no response is required, including, without limitation, the phrase “at all times relevant hereto.” To the extent a response is required, Defendants deny as phrased any and all factual allegations contained in paragraph 9 of the Complaint and state that the PA was established by the Oslo Accords to serve as the governing authority for the Occupied Palestinian Territories in the West Bank and Gaza Strip.

10. Paragraph 10 of the Complaint contains legal conclusions to which no response is required, including, without limitation, the phrase “at all times relevant hereto.” To the extent a response is required, Defendants deny as phrased any and all factual allegations contained in paragraph 10 of the Complaint and state that the PLO was founded in 1964 by Egypt and the Arab League and was recognized as the representative of the Palestinian people by Israel as part of the Oslo Accords.

11. Paragraph 11 of the Complaint contains legal conclusions to which no response is required. To the extent a response is required, Defendants state that the PA was established by the Oslo Accords to serve as the governing authority for the Occupied Palestinian Territories in

the West Bank and Gaza Strip; deny Defendants had any control over defendant Hamas with respect to the events alleged in the Complaint; and state that Defendants lack sufficient knowledge or information to admit or deny any remaining factual allegations contained in paragraph 11 of the Complaint and, therefore, deny the same.

12. Paragraph 12 of the Complaint contains legal conclusions to which no response is required, including, without limitation, the phrase “at all times relevant hereto.” To the extent a response is required, Defendants lack sufficient knowledge or information to admit or deny any remaining factual allegations contained in paragraph 12 of the Complaint and, therefore, deny the same.

Statement of Facts

13. Paragraph 13 of the Complaint contains legal conclusions to which no response is required, including, without limitation, the phrase “at all times relevant hereto.” To the extent a response is required, Defendants state that the PA was established by the Oslo Accords to serve as the governing authority for the Occupied Palestinian Territories in the West Bank and Gaza Strip; deny Defendants had any control over defendant Hamas with respect to the events alleged in the Complaint; and deny any remaining factual allegations contained in paragraph 13 of the Complaint.

14. Paragraph 14 of the Complaint contains legal conclusions to which no response is required, including, without limitation, the phrase “at all times relevant hereto.” To the extent a response is required, Defendants state that the PA was established by the Oslo Accords to serve as the governing authority for the Occupied Palestinian Territories in the West Bank and Gaza Strip; state that the PLO was founded in 1964 by Egypt and the Arab League and was recognized as the representative of the Palestinian people by Israel as part of the Oslo Accords; deny

Defendants had any control over defendant Hamas with respect to the events alleged in the Complaint; and state that Defendants lack sufficient knowledge or information to admit or deny any remaining factual allegations contained in paragraph 14 of the Complaint and, therefore, deny the same.

15. Paragraph 15 of the Complaint contains legal conclusions to which no response is required, including, without limitation, the phrase “at all times relevant hereto.” To the extent a response is required, Defendants lack sufficient knowledge or information to admit or deny any factual allegations contained in paragraph 15 of the Complaint and, therefore, deny the same.

16. With respect to the allegations contained in paragraph 16 of the Complaint, Defendants state that the PA was established by the Oslo Accords to serve as the governing authority for the Occupied Palestinian Territories in the West Bank and Gaza Strip; state that the PLO was founded in 1964 by Egypt and the Arab League and was recognized as the representative of the Palestinian people by Israel as part of the Oslo Accords; deny Defendants had any control over defendant Hamas with respect to the events alleged in the Complaint; and state that Defendants lack sufficient knowledge or information to admit or deny any remaining factual allegations contained in paragraph 16 of the Complaint and, therefore, deny the same.

17. With respect to the allegations contained in paragraph 17 of the Complaint Defendants state that Plaintiffs have failed to allege their claims with the requisite specificity and particularity, including, without limitation, allegations of events occurring at “an unknown date or dates” and allegations relating to time and place which are deemed material and essential pursuant to FED. R. CIV. P. 9(f); accordingly, Defendants lack sufficient knowledge or information to admit or deny any and all factual allegations contained in paragraph 17 of the Complaint that assume, relate to or depend on such unspecified allegations and, therefore, deny

the same. Defendants lack sufficient knowledge or information to admit or deny any remaining factual allegations contained in paragraph 17 of the Complaint and, therefore, deny the same.

18. With respect to the allegations contained in paragraph 18 of the Complaint, Defendants state, on information and belief, that, on or about June 9, 1996, a shooting occurred near Beit Shemesh, Israel involving Yaron Ungar and Efrat Ungar; and state that Defendants lack sufficient knowledge or information to admit or deny any remaining factual allegations contained in paragraph 18 of the Complaint and, therefore, deny the same.

19. With respect to the allegations contained in paragraph 19 of the Complaint, Defendants state, on information and belief, that, on or about June 9, 1996, a shooting occurred near Beit Shemesh, Israel; state, on information and belief, that Yaron Ungar and Efrat Ungar died as a result of the shooting; and state that Defendants lack sufficient knowledge or information to admit or deny any remaining factual allegations contained in paragraph 19 of the Complaint and, therefore, deny the same.

20. Paragraph 20 of the Complaint contains legal conclusions to which no response is required. To the extent a response is required, Defendants lack sufficient knowledge or information to admit or deny any factual allegations contained in paragraph 20 of the Complaint and, therefore, deny the same.

21. Paragraph 21 of the Complaint contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny that they were the subject of any “convictions” relating to the events alleged in the Complaint; deny any factual allegations contained in paragraph 21 of the Complaint to the extent those allegations relate to Defendants; and state that Defendants lack sufficient knowledge or information to admit or deny any

remaining factual allegations contained in paragraph 21 of the Complaint and, therefore, deny the same.

22. Defendants lack sufficient knowledge or information to admit or deny any factual allegations contained in the first and second sentences of paragraph 22 of the Complaint and, therefore, deny the same. With respect to the allegations contained in the third sentence of paragraph 22 of the Complaint, Defendants admit, on information and belief, that, on or about September 17, 1997, a request was made by the Israeli Justice Ministry to the PA; but deny, as phrased, any remaining factual allegations contained in the third sentence of paragraph 22 of the Complaint. Defendants deny the allegations contained in the fourth sentence of paragraph 22 of the Complaint.

23. Paragraph 23 of the Complaint contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny as phrased any factual allegations contained in paragraph 23 of the Complaint.

24. Paragraph 24 of the Complaint contains legal conclusions to which no response is required, including, without limitation, the phrase “at all times relevant hereto.” To the extent a response is required, Defendants state that Plaintiffs have failed to allege their claims with the requisite specificity and particularity, including, without limitation, allegations of unidentified “officials, employees and agents” and allegations relating to time and place which are deemed material and essential pursuant to FED. R. CIV. P. 9(f); accordingly, Defendants lack sufficient knowledge or information to admit or deny any and all factual allegations contained in paragraph 24 of the Complaint that assume, relate to or depend on such unspecified allegations and, therefore, deny the same. Defendants further state that the PA was established by the Oslo Accords to serve as the governing authority for the Occupied Palestinian Territories in the West

Bank and Gaza Strip; state that the PLO was founded in 1964 by Egypt and the Arab League and was recognized as the representative of the Palestinian people by Israel as part of the Oslo Accords; and deny any remaining factual allegations contained in paragraph 24 of the Complaint.

25. Paragraph 25 of the Complaint contains legal conclusions to which no response is required, including, without limitation, the phrase “during the period relevant hereto.” To the extent a response is required, Defendants state that the PA was established by the Oslo Accords to serve as the governing authority for the Occupied Palestinian Territories in the West Bank and Gaza Strip; state that the PLO was founded in 1964 by Egypt and the Arab League and was recognized as the representative of the Palestinian people by Israel as part of the Oslo Accords; deny Defendants had any control over defendant Hamas with respect to the events alleged in the Complaint; and state that Defendants lack sufficient knowledge or information to admit or deny any remaining factual allegations contained in paragraph 25 of the Complaint and, therefore, deny the same.

26. Paragraph 26 of the Complaint contains legal conclusions to which no response is required, including, without limitation, the phrase “during the period relevant hereto.” To the extent a response is required, Defendants state that the PA was established by the Oslo Accords to serve as the governing authority for the Occupied Palestinian Territories in the West Bank and Gaza Strip; state that the PLO was founded in 1964 by Egypt and the Arab League and was recognized as the representative of the Palestinian people by Israel as part of the Oslo Accords; deny Defendants had any control over defendant Hamas with respect to the events alleged in the Complaint; and state that Defendants lack sufficient knowledge or information to admit or deny any remaining factual allegations contained in paragraph 26 of the Complaint and, therefore, deny the same.

27. Paragraph 27 of the Complaint contains legal conclusions to which no response is required, including, without limitation, the phrase “during the period relevant hereto.” To the extent a response is required, Defendants admit that, at certain times, the State of Israel communicated various demands to the PA; deny Defendants had any control over defendant Hamas with respect to the events alleged in the Complaint; and state that Defendants lack sufficient knowledge or information to admit or deny any remaining factual allegations contained in paragraph 27 of the Complaint and, therefore, deny the same.

28. With respect to the allegations contained in paragraph 28 of the Complaint, Defendants deny that they had any control over defendant Hamas with respect to the events alleged in the Complaint; and deny any remaining factual allegations contained in paragraph 28 of the Complaint.

29. Paragraph 29 of the Complaint contains legal conclusions to which no response is required, including, without limitation, the phrase “at all times relevant hereto.” To the extent a response is required, Defendants state that Plaintiffs have failed to allege their claims with the requisite specificity and particularity, including, without limitation, allegations of unidentified “officials, employees and agents” and allegations relating to time and place which are deemed material and essential pursuant to FED. R. CIV. P. 9(f); accordingly, Defendants lack sufficient knowledge or information to admit or deny any and all factual allegations contained in paragraph 29 of the Complaint that assume, relate to or depend on such unspecified allegations and, therefore, deny the same. Defendants deny any remaining factual allegations contained in paragraph 29 of the Complaint.

30. Paragraph 30 of the Complaint contains legal conclusions to which no response is required, including, without limitation, the phrase “during the period relevant hereto.” To the

extent a response is required, Defendants state that Plaintiffs have failed to allege their claims with the requisite specificity and particularity, including, without limitation, allegations relating to time and place which are deemed material and essential pursuant to FED. R. CIV. P. 9(f); accordingly, Defendants lack sufficient knowledge or information to admit or deny any and all factual allegations contained in paragraph 30 of the Complaint that assume, relate to or depend on such unspecified allegations and, therefore, deny the same. Defendants further state that, at certain times, the State of Israel communicated various demands to the PA; deny that Defendants had any control over defendant Hamas with respect to the events alleged in the Complaint and deny any remaining factual allegations contained in paragraph 30 of the Complaint.

31. Paragraph 31 of the Complaint contains legal conclusions to which no response is required, including, without limitation, the phrase “at all times relevant hereto.” To the extent a response is required, Defendants state that Plaintiffs have failed to allege their claims with the requisite specificity and particularity, including, without limitation, allegations relating to time and place which are deemed material and essential pursuant to FED. R. CIV. P. 9(f); accordingly, Defendants lack sufficient knowledge or information to admit or deny any and all factual allegations contained in paragraph 31 of the Complaint that assume, relate to or depend on such unspecified allegations and, therefore, deny the same. Defendants deny any remaining factual allegations contained in paragraph 31 of the Complaint.

32. Paragraph 32 of the Complaint contains legal conclusions to which no response is required, including, without limitation, the phrase “during the period relevant hereto.” To the extent a response is required, Defendants state that Plaintiffs have failed to allege their claims with the requisite specificity and particularity, including, without limitation, allegations relating to time and place which are deemed material and essential pursuant to FED. R. CIV. P. 9(f);

accordingly, Defendants lack sufficient knowledge or information to admit or deny any and all factual allegations contained in paragraph 32 of the Complaint that assume, relate to or depend on such unspecified allegations and, therefore, deny the same. Defendants deny any remaining factual allegations contained in paragraph 32 of the Complaint.

33. Paragraph 33 of the Complaint contains legal conclusions to which no response is required, including, without limitation, the phrase “at all times relevant hereto.” To the extent a response is required, Defendants state that Plaintiffs have failed to allege their claims with the requisite specificity and particularity, including, without limitation, allegations of unidentified “officials, employees and agents” and allegations relating to time and place which are deemed material and essential pursuant to FED. R. CIV. P. 9(f); accordingly, Defendants lack sufficient knowledge or information to admit or deny any and all factual allegations contained in paragraph 33 of the Complaint that assume, relate to or depend on such unspecified allegations and, therefore, deny the same. Defendants deny any remaining factual allegations contained in paragraph 33 of the Complaint.

34. Paragraph 34 of the Complaint contains legal conclusions to which no response is required, including, without limitation, the phrase “at all times relevant hereto.” To the extent a response is required, Defendants state that Plaintiffs have failed to allege their claims with the requisite specificity and particularity, including, without limitation, allegations of unidentified “officials, employees and agents” and allegations relating to time and place which are deemed material and essential pursuant to FED. R. CIV. P. 9(f); accordingly, Defendants lack sufficient knowledge or information to admit or deny any and all factual allegations contained in paragraph 34 of the Complaint that assume, relate to or depend on such unspecified allegations and,

therefore, deny the same. Defendants deny any remaining factual allegations contained in paragraph 34 of the Complaint.

35. Paragraph 35 of the Complaint contains legal conclusions to which no response is required, including, without limitation, the phrase “at all times relevant hereto” and the allegation relating to 18 U.S.C. § 2339A. To the extent a response is required, Defendants state that Plaintiffs have failed to allege their claims with the requisite specificity and particularity, including, without limitation, allegations of unidentified “officials, employees and agents” and allegations relating to time and place which are deemed material and essential pursuant to FED. R. CIV. P. 9(f); accordingly, Defendants lack sufficient knowledge or information to admit or deny any and all factual allegations contained in paragraph 35 of the Complaint that assume, relate to or depend on such unspecified allegations and, therefore, deny the same. Defendants deny any remaining factual allegations contained in paragraph 35 of the Complaint.

36. Paragraph 36 of the Complaint contains legal conclusions to which no response is required. To the extent a response is required, Defendants state that Plaintiffs have failed to allege their claims with the requisite specificity and particularity, including, without limitation, allegations of unidentified “officials, employees and agents” and allegations relating to time and place which are deemed material and essential pursuant to FED. R. CIV. P. 9(f); accordingly, Defendants lack sufficient knowledge or information to admit or deny any and all factual allegations contained in paragraph 36 of the Complaint that assume, relate to or depend on such unspecified allegations and, therefore, deny the same. Defendants deny any remaining factual allegations contained in paragraph 36 of the Complaint.

37. Paragraph 37 of the Complaint contains legal conclusions to which no response is required. To the extent a response is required, Defendants state that Plaintiffs have failed to

allege their claims with the requisite specificity and particularity, including, without limitation, allegations of unidentified “officials, employees and agents,” allegations of unspecified and unidentified “acts and omissions” and allegations relating to time and place which are deemed material and essential pursuant to FED. R. CIV. P. 9(f); accordingly, Defendants lack sufficient knowledge or information to admit or deny any and all factual allegations contained in paragraph 37 of the Complaint that assume, relate to or depend on such unspecified allegations and, therefore, deny the same. Defendants deny any remaining factual allegations contained in paragraph 37 of the Complaint.

First Count -- All Defendants
(International Terrorism Pursuant to 18 U.S.C. § 2333)

38. Defendants incorporate by reference, as if fully set forth herein, their responses to paragraphs 1-37 of the Complaint.

39. Paragraph 39 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 39 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 39 do not relate to Defendants, Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 39 of the Complaint and, therefore, deny the same.

40. Paragraph 40 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 40 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 40 do not relate to Defendants, Defendants lack sufficient

knowledge or information to admit or deny the allegations contained in paragraph 40 of the Complaint and, therefore, deny the same.

41. Paragraph 41 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 41 of the Complaint.

42. Paragraph 42 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 42 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 42 do not relate to Defendants, Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 42 of the Complaint and, therefore, deny the same.

43. Paragraph 43 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 43 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 43 do not relate to Defendants, Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 43 of the Complaint and, therefore, deny the same.

44. Defendants deny any factual allegations contained in paragraph 44 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 44 do not relate to Defendants, Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 44 of the Complaint and, therefore, deny the same.

45. Paragraph 45 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 45 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 45 do not relate to Defendants, Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 45 of the Complaint and, therefore, deny the same.

46. Paragraph 46 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 46 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 46 do not relate to Defendants, Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 46 of the Complaint and, therefore, deny the same.

47. Paragraph 47 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 47 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 47 do not relate to Defendants, Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 47 of the Complaint and, therefore, deny the same.

48. Paragraph 48 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 48 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 48 do not relate to Defendants, Defendants lack sufficient

knowledge or information to admit or deny the allegations contained in paragraph 48 of the Complaint and, therefore, deny the same.

Second Count -- All Defendants
(Negligence)

49. Defendants incorporate by reference, as if fully set forth herein, their responses to paragraphs 1-48 of the Complaint.

50. Paragraph 50 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny that there is a proper factual or legal basis for Plaintiffs' supplemental causes of action.

51. Paragraph 51 contains legal conclusions to which no response is required. To the extent a response is required, Defendants lack sufficient knowledge or information on which to admit or deny any factual allegations contained in paragraph 51 of the Complaint and, therefore, deny the same.

52. Paragraph 52 contains legal conclusions to which no response is required. To the extent a response is required, Defendants lack sufficient knowledge or information on which to admit or deny any factual allegations contained in paragraph 52 of the Complaint and, therefore, deny the same.

53. Paragraph 53 contains legal conclusions to which no response is required. To the extent a response is required, Defendants lack sufficient knowledge or information on which to admit or deny any factual allegations contained in paragraph 53 of the Complaint and, therefore, deny the same.

54. Paragraph 54 contains legal conclusions to which no response is required. To the extent a response is required, Defendants lack sufficient knowledge or information on which to

admit or deny any factual allegations contained in paragraph 54 of the Complaint and, therefore, deny the same.

55. Paragraph 55 contains legal conclusions to which no response is required. To the extent a response is required, Defendants lack sufficient knowledge or information on which to admit or deny any factual allegations contained in paragraph 55 of the Complaint and, therefore, deny the same.

56. Paragraph 56 contains legal conclusions to which no response is required. To the extent a response is required, Defendants lack sufficient knowledge or information on which to admit or deny any factual allegations contained in paragraph 56 of the Complaint and, therefore, deny the same.

57. Paragraph 57 contains legal conclusions to which no response is required. To the extent a response is required, Defendants lack sufficient knowledge or information on which to admit or deny any factual allegations contained in paragraph 57 of the Complaint and, therefore, deny the same.

58. Paragraph 58 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 58 of the Complaint.

59. Paragraph 59 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 59 of the Complaint.

60. Paragraph 60 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 60 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent

the allegations contained in paragraph 60 do not relate to Defendants, Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 60 of the Complaint and, therefore, deny the same.

61. Paragraph 61 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 61 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 61 do not relate to Defendants, Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 61 of the Complaint and, therefore, deny the same.

62. Paragraph 62 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 62 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 62 do not relate to Defendants, Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 62 of the Complaint and, therefore, deny the same.

63. Paragraph 63 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 63 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 63 do not relate to Defendants, Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 63 of the Complaint and, therefore, deny the same.

64. Paragraph 64 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 64

of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 64 do not relate to Defendants, Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 64 of the Complaint and, therefore, deny the same.

Third Count -- All Defendants
(Breach of Statutory Obligation)

65. Defendants incorporate by reference, as if fully set forth herein, their responses to paragraphs 1-64 of the Complaint.

66. Paragraph 66 contains legal conclusions to which no response is required. To the extent a response is required, Defendants lack sufficient knowledge or information on which to admit or deny any factual allegations contained in paragraph 66 of the Complaint and, therefore, deny the same.

67. Paragraph 67 contains legal conclusions to which no response is required. To the extent a response is required, Defendants lack sufficient knowledge or information on which to admit or deny any factual allegations contained in paragraph 67 of the Complaint and, therefore, deny the same.

68. Paragraph 68 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 68 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 68 do not relate to Defendants, Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 68 of the Complaint and, therefore, deny the same.

69. Paragraph 69 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 69 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 69 do not relate to Defendants, Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 69 of the Complaint and, therefore, deny the same.

70. Paragraph 70 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 70 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 70 do not relate to Defendants, Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 70 of the Complaint and, therefore, deny the same.

71. Paragraph 71 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 71 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 71 do not relate to Defendants, Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 71 of the Complaint and, therefore, deny the same.

72. Paragraph 72 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 72 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 72 do not relate to Defendants, Defendants lack sufficient

knowledge or information to admit or deny the allegations contained in paragraph 72 of the Complaint and, therefore, deny the same.

73. Paragraph 73 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 73 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 73 do not relate to Defendants, Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 73 of the Complaint and, therefore, deny the same.

Fourth Count -- All Defendants
(Assault)

74. Defendants incorporate by reference, as if fully set forth herein, their responses to paragraphs 1-73 of the Complaint.

75. Paragraph 75 contains legal conclusions to which no response is required. To the extent a response is required, Defendants lack sufficient knowledge or information on which to admit or deny any factual allegations contained in paragraph 75 of the Complaint and, therefore, deny the same.

76. Defendants lack sufficient knowledge or information regarding the allegations contained in paragraph 76 of the Complaint and, therefore, deny the same.

77. Defendants lack sufficient knowledge or information regarding the allegations contained in paragraph 77 of the Complaint and, therefore, deny the same.

78. Paragraph 78 contains legal conclusions to which no response is required. To the extent a response is required, Defendants lack sufficient knowledge or information on which to

admit or deny any factual allegations contained in paragraph 78 of the Complaint and, therefore, deny the same.

79. Paragraph 79 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 79 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 79 do not relate to Defendants, Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 79 of the Complaint and, therefore, deny the same.

80. Paragraph 80 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 80 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 80 do not relate to Defendants, Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 80 of the Complaint and, therefore, deny the same.

81. Paragraph 81 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 81 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent the allegations contained in paragraph 81 do not relate to Defendants, Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 81 of the Complaint and, therefore, deny the same.

82. Paragraph 82 contains legal conclusions to which no response is required. To the extent a response is required, Defendants deny any factual allegations contained in paragraph 82 of the Complaint to the extent those allegations relate to Defendants; and state that, to the extent

the allegations contained in paragraph 82 do not relate to Defendants, Defendants lack sufficient knowledge or information to admit or deny the allegations contained in paragraph 82 of the Complaint and, therefore, deny the same.

83. Defendants deny any and all allegations in the Complaint that are not expressly and specifically admitted above or to which no response is otherwise made above.

84. Defendants deny that Plaintiffs are entitled to recover any relief against Defendants.

SECOND AFFIRMATIVE DEFENSE

This Court lacks subject-matter jurisdiction over this action or, alternatively, subject-matter jurisdiction should be abated.

THIRD AFFIRMATIVE DEFENSE

This Court lacks subject matter and/or supplemental jurisdiction over Count II (Negligence), Count III (Breach of Statutory Obligation) and Count IV (Assault).

FOURTH AFFIRMATIVE DEFENSE

This Court lacks personal jurisdiction over the Defendants with respect to this action.

FIFTH AFFIRMATIVE DEFENSE

Defendants lack the capacity to be sued in this Court with respect to Count II (Negligence), Count III (Breach of Statutory Obligation) and Count IV (Assault).

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs have failed to state a claim on which relief may be granted against Defendants, and, therefore, this action should be dismissed as to the Defendants pursuant to FED. R. CIV. P. 12(b)(6).

SEVENTH AFFIRMATIVE DEFENSE

This Court is not a proper venue for this action and should be dismissed; alternatively, this action should be dismissed or transferred under the doctrine of *forum non conveniens*.

EIGHTH AFFIRMATIVE DEFENSE

This action should be dismissed as non-justiciable, including, without limitation, under the political question doctrine.

NINTH AFFIRMATIVE DEFENSE

Plaintiffs have failed to allege their claims with the requisite specificity and particularity, including, without limitation, allegations of time and place which are deemed material and essential pursuant to FED. R. CIV. P. 9(f).

TENTH AFFIRMATIVE DEFENSE

Defendants are immune from suit in the United States under the doctrine of Sovereign Immunity.

ELEVENTH AFFIRMATIVE DEFENSE

To the extent Plaintiffs have suffered any legally-cognizable harm or damages under the legal theories alleged in the Complaint, which Defendants deny, such harm or damages are the proximate result of actions or omissions of other defendants and/or third parties for which Defendants were not and are not legally responsible and which also constitute superseding or intervening causes.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part for failure to join and/or for voluntary dismissal of necessary and indispensable parties.

THIRTEENTH AFFIRMATIVE DEFENSE

To the extent Plaintiffs have suffered any legally-cognizable harm or damages under the legal theories alleged in the Complaint, which Defendants deny, Plaintiffs' claims are barred in whole or in part by Plaintiffs' failure to mitigate their damages.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred in whole or in part under the applicable statute of limitations and/or the doctrine of laches.

WHEREFORE, Defendants respectfully request that the Court enter an order: (a) granting judgment in favor of Defendants and against Plaintiffs; (b) dismissing Plaintiffs' claims with prejudice; (c) denying with prejudice all relief requested by Plaintiffs; (d) awarding Defendants the costs and expenses, including reasonable attorney's fees, that they have incurred as a result hereof; and (e) awarding Defendants such other and further relief as the Court deems just and proper.

Respectfully submitted,

Dated: December 28, 2007

/s/ Richard A. Hibey

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 28th day of December 2007, a true and genuine copy of the foregoing was filed by ECF, which will automatically send notification and a copy of such filing to:

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_____/s/_____
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